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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/531,259	04/24/2006	Gisela Meister	MEIS3002/JC/BEL	4669
23364 7590 02/01/2011 BACON & THOMAS, PLLC 625 SLATERS LANE FOURTH FLOOR ALEXANDRIA, VA 22314-1176				
EXAMINER				
DOAN, TRANG T				
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2431				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary****Application No.**

10/531,259

**Applicant(s)**

MEISTER ET AL.

**Examiner**

TRANG DOAN

**Art Unit**

2431

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 November 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 April 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-940)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

#### **DETAILED ACTION**

1. This action is in response to the amendment filed on 11/03/2010.
2. Claims 1 and 10 have been amended.
3. Claims 1-14 are pending for consideration.

#### ***Response to Arguments***

4. Applicant's arguments filed on 11/03/2010 have been fully considered but they are not persuasive.
5. Applicant argues on page 5 of the Remarks that Wheeler fails to teach the portable data carrier confirms the proof of authentication to the terminal for all user authentication method. Examiner respectfully disagrees with applicant's arguments. Examiner notes that according to claims 1 and 10, the portable data carrier confirms the proof of authentication to the terminal for one user authentication method not all user authentication methods. Wheeler does disclose the portable data carrier confirms the proof of authentication to the terminal for one user authentication method (Wheeler: paragraphs 0133-0134, 0136 and 0139). An indicator of Wheeler outputs from a device (i.e., a computer chip, see paragraph 0066) to the recipient indicating the verification status (i.e., percentage of match) of one user authentication method which is similar to the portable data carrier confirms the proof of authentication to the terminal for one user authentication method recited in claims 1 and 10.
6. Applicant argues on pages 5 and 6 of the Remarks that Wheeler fails to disclose the portable data carrier creates the authentication quality information and that the

authentication quality information is about the user authentication method used.

Examiner respectfully disagrees with applicant's arguments. Wheeler does disclose the authentication quality information and that the authentication quality information is about the user authentication method used (Wheeler: paragraphs 0378-0379).

7. Applicant argues on page 7 of the Remarks that Wheeler fails to disclose a secure electronic transaction. Examiner respectfully disagrees with applicant's arguments. Wheeler does disclose the secure electronic transaction (Wheeler: paragraph 0371: financial transaction).

8. Applicant argues on page 7 of the Remarks that Wheeler fails to disclose the authentication quality information is attached to the result of the security-establishing operation. Examiner respectfully disagrees with applicant's arguments. Wheeler does disclose the authentication quality information is attached to the result of the security-establishing operation (Wheeler: paragraphs 0145 and 0149: an indicator (i.e., authentication quality information) is attached to a digital signature created by a device (i.e., computer chip)).

9. Regarding claims 2-10 and 11-14, applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

***Claim Rejections - 35 USC § 102***

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

11. Claims 1-6 and 8-14 are rejected under 35 U.S.C.102(e) as being anticipated by Wheeler et al. (US20020016913) (hereinafter Wheeler).

12. Regarding claims 1 and 10, discloses a method for effecting a secure electronic transaction on a terminal using a portable data carrier arranged to perform different quality user authentication methods, wherein the portable data carrier performs a user authentication method, the portable data carrier confirms the proof of authentication to the terminal, and the portable data carrier then performs a security-establishing operation within the electronic transaction, comprising the step of creating quality information by the portable data carrier about said user authentication method used and attaching said authentication quality information to the result of the security-establishing operation, wherein the difference in quality of said user authentication method varies between an inherently relatively lower quality and an inherently relatively higher quality from a security perspective (Wheeler: see figure 29, paragraphs 0133-0134, 0136, 0139 and 0332: IC card is the portable data carrier, paragraph 0340: authentication process

is established between the IC card and a card reader of a secure building and paragraph 0345: IC card exports digital signature, requested user information, and value of the identification marker to a card reader associated with a secure building. The identification marker indicates a particular verification data types for which any verification data input has been received by the IC card).

13. Regarding claim 2 and 11, Wheeler further discloses wherein the security-establishing operation performed by the portable data carrier comprises creating a digital signature (Wheeler: paragraphs 0345-0346).

14. Regarding claim 3, Wheeler further discloses wherein the authentication of the user is performed by presentation of a biometric feature (Wheeler: paragraph 0347: biometric verification data).

15. Regarding claim 4, Wheeler further discloses wherein the authentication of the user is performed by presentation of a physiological or behavior-based feature characteristic of a user (Wheeler: paragraph 0347: biometric...retina).

16. Regarding claim 5, Wheeler further discloses wherein the authentication of the user is performed by proof of knowledge of a secret (Wheeler: paragraph 0123).

17. Regarding claims 6 and 12, Wheeler further discloses wherein at least two different authentication methods of different quality are offered for authentication of the user (Wheeler: paragraph 0335 and paragraph 0339).

18. Regarding claim 8, Wheeler further discloses wherein no quality information is produced for an authentication method (Wheeler: paragraph 0335).

19. Regarding claim 9, Wheeler further discloses wherein a user is asked to select an authentication method (Wheeler: paragraph 0362: user to select a conventional login using an ID or password or to login using his IC card).

20. Regarding claim 13, Wheeler further discloses said terminal including a device arranged to cause a user to select one of at least two possible different quality authentication methods (Wheeler: paragraph 0362).

21. Regarding claim 14, Wheeler further discloses a system for effecting a secure electronic transaction within which the quality of authentication of a user of the system is ascertained, comprising a portable data carrier according to claim 10 and a terminal according to claim 13 (Wheeler: paragraph 0417).

***Claim Rejections - 35 USC § 103***

22. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

23. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wheeler in view of Miyashita (US 7403765) (hereinafter Miyashita).

24. Regarding claim 7, Wheeler does not disclose wherein the particular authentication methods not used are disabled. However, Miyashita discloses wherein the particular authentication methods not used are disabled (Miyashita: see figure 1, item S301; and column 5 lines 40-67). Therefore, it would have been obvious to a person skilled art in the art at the time the invention was made to have included in Wheeler the feature of Miyashita as discussed above because the plural authenticating means of the PIN input authentication and the fingerprint authentication can be used in combination, so that plural security levels can be implemented by combining the plural authenticating means (Miyashita: column 6, lines 40-45).

***Conclusion***

25. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).



A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TRANG DOAN whose telephone number is (571)272-0740. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William R. Korzuch can be reached on (571) 272-7589. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Trang Doan/  
Examiner, Art Unit 2431

/Kaveh Abrishamkar/  
Primary Examiner, Art Unit 2431